*Previous references.* 1897-98. File No. 67.
490. Serial Nos. 1-12
( P & J )

*Later references.*
P & J 26 of 01-02 =

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1-12

Major ~~Part B.~~ for October 1898.

SUBJECT.

Revised rules regarding the earning of remission and gratuities applicable all classes of prisoners in Mysore.

11 1. No. 237 / 366 — 40 / J — Dated 9-7-97.
From The D. G. of Prisons.

Forwards for sanction of Govt. a bill for Rs 1567-6-8 being the amount of earnings due to the life convicts who were released on the occasion of Diamond Jubilee of Her Most Gracious Majesty Queen Victoria and states that certain alterations in the present mark rules are necessary.

11 2 G. R. S. 58 — 1260-61. / J135 — Dated 22-7-97.
To the D. G. of Prs & the Comptroller
Sanctions the above amount of Rs 1567-6 and states that the alterations suggested are await

3. Dis. 4861/J752. 370/J 2-12-97.

From The D. G. of Prisons.

Requests that Sections 410 and 420 and Sections 422 to 427 of the Madras Jail Code regarding earning of gratuity to prisoners may be brought into force and be embodied in the mark rules now in force.

4. 8524/J981. Dated 25-1-98

To The D. G. of Prisons.

Directs the introduction into Mysore Jails of the provisions of certain Sections of the Madras Jail Code in supersession of all previous rules regarding the earning of gratuities and remission by prisoners of all classes..

5. Dis. 2457/J1390. 722/J Dated 26-4-98.

From The D. G. of Prisons.

Forwards for the approval of Govt and for publication in the Mysore Gazette, draft notification embodying the Mark rules now in force in the State.

6. Dis. 10954/J1535. 846/J Dated 13-6-98.

From The D. G. of Prisons.

Requests early sanction of Govt. introduction of the above rules in all the jails on the 1st July 1898.

7. 164/J11. Dated 4-7-98.

To The D. G. of Prisons.

Requests submission of certain information regarding the above mark Rules.

Sl. 8. DNo. 1552/J242. 181/J Dated 18-8-98.

From

The D.G. of Prisons.

Furnishes certain information called for in Sl. 7.

Sl. 9. 5248/J546. Dated 17-10-98.

To The D.G. of Prisons.

Makes certain remarks in regard to the revised draft notification embodying revised mark rules and requests to submit a fresh revised draft notification.

Sl. 10. DNo. 7626/J1087 666/J Dated 6-3-99.

From

The D.G. of Prisons.

Submits the above

Sl. 11. 11737/J1457. Dated 17-4-99.

To

The D.G. of Prisons.

Prescribes the above revised rules regarding the earning of Remission and gratuities applicable to all classes of prisoners in Mysore.

Sl. 12. 11788/J1458. Dated 18-4-99.

To

The D.G. of Prisons.

Brings into force the above prescribed rules from 1st July 1899.

Indexed.
K Rangaswami

# Note (8)

The draft Notifn sent up for approval embodies 3 sets of Rules, Viz.

I. Mark Rules. These regulate remissions of sentence.

II. Ticket of Leave Rules. These apply to life-termers and define the conditions subject to which they may be allowed to be at large.

III. Rules for grading convicts &c. These are intended to encourage good conduct and industry in jails, each grade having its own privileges, which include a fraternity.

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I. The Mark Rules, as submitted, are ~~same~~ the same as those issued with Notifn. No. 16039-J. 906 dt 15-6-95 except as noted below

Rule 1. The words "such as murderers" added to clause II apparently qualify the words "specially dangerous criminals." It is doubtful if the addition is right, as murderers are not necessarily in all cases criminals of this description.

I suggest these words be omitted

Rule 3. Under the existing Rules (of 1895), a life sentence means 25 years impt. for prisoners of classes I & II, and 20 years impt. for other prisoners. The reason for omitting the distinction in the draft Notifn has not been explained.

Enquire please

Rule 4. In this rule also, the effects of remission as regards prisoners of classes

I & II have been assimilated.

The altered wording of the latter part of clause (a) [" and they shall be released" etc etc] is apparently intended simply to give a "setting" to the Ticket of Leave Rules.

II - Ticket of Leave Rules. These are taken from part-II of Notfn. no 193-J. 73-92 dt 30-7-92 (Mysore Jail Manual p. 131 et seq). There is however nothing in the present draft corresponding to rule 16 of Part-I of the said Notfn, showing the circumstances under which a life-termer is eligible for release.

III. Rules for grading convicts etc. These are adapted mostly from the Madras Rules (Rules 410 to 420 & 422 to 427).

Rule 3 relating to marks should, we think, be transferred to the Remission Rules as Rule 13A [Cp. arrangement in Madras Manual] All other portions of the draft is all right.

With these remarks, put up files for orders.

5/6/92

Taken back for a further note on 29/6/92.
I resd on 30/6/92.

(12)

# Note in re: Marks etc. Rules.

The following is a brief history of the subject.

The Chief Commr's Notifn No. 161 dy 4-9-79 was intended to regulate the gratuities and remissions of sentence which could be earned by "long-term" convicts, who were employed as warders and work-overseers.

Sl 10 of file by 97-80.

The gratuities and remissions of "life-term prisoners not being recommittals, after they had completed 10 years in jail," were regulated by a distinct set of rules, of which the latest form is the one given in pp. 120 et seqs. of the Mysore Jail Manual.

In 1893, at the instance of the Resident, the Marks [or Remission] Rules contained in the Indian Home Dept. Resolution of 1892 were made applicable from 1st May '93 to prisoners undergoing in the Bangalore Central Jail under warrants of the Courts of the C.K.M.S.[4] [Vide correspondence ending with serial No. 10 of file 196 of '92.].

x Sl 1 of file 196 of 1892

The same rules were in 1895 extended to all prisoners undergoing imprisonment in Mysore Jails. In doing so, however, the words "a self-supporter's ticket at the Andamans were

Sl 15 of id.

were replaced by "release" and the words "transferred to the Andamans" by "released" in clause (a) of Rule 4 and its Explanation. The effect of this was to place life-prisoners of the more dangerous and criminal type I in a more advantageous position than other prisoners, since the former were entitled to an absolute release under circumstances which would only entitle the latter to pass the period remitted under police surveillance. This anomalous result was apparently unforeseen at the time.

yes ll

The Mark Rules of 1895 were at first issued "in supersession of those promulgated with N. Notfn. No. 161 dy the 4th Sept. 1879." But it was afterwards explained that they did not supersede the rules of 1879 "in so far as the latter related to fraternity, specified in ss 3 & 4;" nor the rules of 1892 relating to life-term prisoners, who would therefore earn remission for the first ten years under the Mark Rules of 1895 and would then be admitted to the benefit of the Rules of 1892.

ll. 15-

ll 17-18-

Vide sl. 16/a, appd in ll. 17-

This, then, is the present state of affairs.

Quite recently, the I. G. of Prisons pointed out that the present rates of fraternity that could be earned by all classes of convicts in Mysore Jails were excessive as compared with those

RECOMMENDED FOR RELEASE

allowed

allowed under the Madras Code, and that, in particular, under the operation of the existing rules [i.e. Gratuity paras of 1892 and 1879 Rules] an unfair distinction existed between the earnings of life-convicts and term-prisoners the former of whom were in a position to earn a much greater sum than the latter during the same period He therefore considered that, along with the remission rules in force in Madras[X] which had been already brought into force in Mysore, the Madras Rules relating to the grading of convicts and convict officers and their remuneration might also be adopted with advantage. This was approved and a draft Notfn called for. The object was to supersede the Rules of 1879 altogether, and such portion of the Rules of 1892 as related to the earnings of life term prisoners.

[X] Note. We did not adopt these exactly, but they are on the same lines as the Rules appended to the Home Dept. Resol[n] already referred to.

All Govts [illegible] Note 6.

The I. G. now submits a draft Notfn in 3 parts, the last of which alone deals with the grading of convicts and convict officials [and their earnings]. But, in the words of the Govt of India Resol[n] of 1892, "the grant of prison privileges and of promotion to any grade of convict-officer should be made to depend on the number of marks earned, and should thus be definitely connected with the mark system." According part I of the draft Notfn is a reproduction with certain modifications, of the Mark Rules of 1895. As the Mark system involves

p ante 36.

involves the release of prisoners under the latter ticket-of-leave, the rules on that subject contained in part-II of the Rules of 1892 have been embodied without modification in part-II of the draft, which is thus a compact body of rules on intimately connected subjects.

The preceding part- of the draft Notification, which declares the supersession of "all previous rules regarding the earning of remission and gratuities by prisoners" shows that the Rules of 1892, except the portion thereof embodied in part-II, are also to be superseded.

// Turning to the wording etc. of the draft Rules, the following require to be noticed:

I. Mark Rules.

The addition of "such as murders" in cl. II of Rule I is unnecessary (?) and should be omitted. / I think so. However have been inserted?

In Rule 3, the existing distinction between prisoners of classes I & II as regards life-sentences has been omitted. This should have been explained. / Ask for explanation

In Rule 4, the effects of a remission of sentence, as regards prisoners of all classes, have been made alike. The anamoly referred to elsewhere thus disappears. I have now altered the wording of clause (a), so as to make it clearer.

After Rule 13, should be entered the 3rd Rule of Part III regarding forfeiture of Marks. This is also the arrangement adopted in the Madras Manual [Ch. § 395].

II - Ticket of Leave Rules -

These Rules were introduced rather abruptly and without explanation in the draft. I have inserted an enacting sentence -

III Rules for grading convicts etc.

Rule #3, as already explained is out of place here, and should be transferred to the Marks Rules as Rule 13A -

Rule 15 ~~omits~~ omits the details given in the corresponding Madras Rule -

20/6/90

Please call for papers — Will an Order 10/2 please - 4
2-7-90
also Enquire as to when the new Rules will appear in the Fort Ordinances also 4.

---

Information having been called for in No. 164 of the 4th Feb'90, the D.J. of Chingleput agrees to the correction of the words "such

as

"murderers" in cl II of Rule I. This has been a standing stumbling block.

As regards the assimilation of the periods of life-sentences in the case of prisoners of all classes, the I.G. puts forth the following formula:-

(1) The requirements of S. 57 of the Penal Code. [Though this section applies only in calculating fractions of terms of punishment, the reasoning from analogy is strong.]

(2) Continued practice.

(3) ~~Hardship~~ to prisoners of classes I & II likely to follow from prescribing 10 years for them, as they would be entitled to release after a longer period than under the existing Rules.

There is much force in these arguments, but it will have to be noted that Convict Station prisoners will continue to be governed by a different rule, which has been already applied to them.

yr ll.

With regard to the application of the Rules in Part-III to Conv. St.n prisoners, a reference must be made to the Resident

yr ll

Ended 20-9-98

20-9-98

9890

There are one or two points which require discussion. The matter should be laid before the Committee.

21-9-98

Then see me with the file

20 9 98

Subs. 4 of this Schedule

(19) The old distinction between life-terms prisoners & different classes of them maintained and the clauses of para 4 have been copied verbatim from the Mark Rules of 1895. But the enacting part of the Rules remains the same as before and makes it appear that "all previous rules" have been superseded & that the new rules will apply to "all classes of prisoners" The wording seems

[illegible] are modified
as to make
it clear that the
Ticket Porters Rules
of 30th April 92 which
it is intended to benefit
a special class of
Pritt remain untouched.

20/7.

109/10
The Rules may now
be sanctioned on the
Lyon Branch but Reg
to advise

20/7.97

Forwarded.

21/7.

The Draft Rules, as revised
by me, are now [redacted] for approval. The
alterations speak for themselves. I have
restored Rule 4. of the Market Rules to its form as
in the printed Draft, the one now from Lyon
J. G. standing to perpetuate an anomaly
[Vide my note of 30-6-98 J.
Subj to Secy.

23.

(20)

# Notification.

In exercise of the powers conferred by Section 54 of The Prisons' Act, 1870, and section 401 of the Code of Criminal Procedure, the Government of Mysore are pleased to prescribe, with effect from the 1st of July 1899, the following revised Rules, applicable to all classes of prisoners in Mysore other than those who, on completion of ten years in jail, will be governed by the Rules contained in Notfn No. 1937-J 73 92, dated the 30th July 1892.

---

The system requires amendment. All pris after 10 yrs confinement are not allowed, as a matter of course, the benefit of the Rules of 30 July 1892 - and such as are specially recommended & the Penal Sent allowed & sent the advantages of the benefit of the said Rules - We may add & thereby the following after "Mysore" - that nothing herein contained shall affect the provisions of the Rules promulgated with Notfn No. 1937-J 73 92 d 30 July 1892 which shall affect Life prisoners who, on completion of 10 yrs confinement in jail, may be specially admitted to the benefit of these Rules" -

2. Is there any particular reason for transferring Rule 3 of Part III as Rule 4 of Part I? If not it is to be transferred the

Part II (Misc) "as Rule 2
Rule 1 (b) should be
Rule 1 (b) should, why
not all as in Part III
to remain where it is?

23-3-99 d 1893

25. 3. 99

12

Subd Rs 14 to 16

24-3-99.

10947

Please see my note on draft notification

25.3.99

Under Chandigarh Administration Rules Rule 8 (2) (b) the Chief Commissioner is empowered to remit the whole or any part of the punishment awarded by the Court. Under Rule 8 (2) (c) the Chief Commissioner is empowered to commute any punishment awarded by the Court to any other punishment. Under Rule 8 (2) (d) the Chief Commissioner is empowered to grant a pardon to any person who has been convicted of any offence. Under Rule 8 (2) (e) the Chief Commissioner is empowered to suspend the execution of any sentence awarded by the Court. Under Rule 8 (2) (f) the Chief Commissioner is empowered to remit any fine imposed by the Court. Under Rule 8 (2) (g) the Chief Commissioner is empowered to commute any sentence of imprisonment awarded by the Court to any other punishment. Under Rule 8 (2) (h) the Chief Commissioner is empowered to grant a pardon to any person who has been convicted of any offence. Under Rule 8 (2) (i) the Chief Commissioner is empowered to suspend the execution of any sentence awarded by the Court. Under Rule 8 (2) (j) the Chief Commissioner is empowered to remit any fine imposed by the Court. Under Rule 8 (2) (k) the Chief Commissioner is empowered to commute any sentence of imprisonment awarded by the Court to any other punishment. Under Rule 8 (2) (l) the Chief Commissioner is empowered to grant a pardon to any person who has been convicted of any offence. Under Rule 8 (2) (m) the Chief Commissioner is empowered to suspend the execution of any sentence awarded by the Court. Under Rule 8 (2) (n) the Chief Commissioner is empowered to remit any fine imposed by the Court. Under Rule 8 (2) (o) the Chief Commissioner is empowered to commute any sentence of imprisonment awarded by the Court to any other punishment. Under Rule 8 (2) (p) the Chief Commissioner is empowered to grant a pardon to any person who has been convicted of any offence. Under Rule 8 (2) (q) the Chief Commissioner is empowered to suspend the execution of any sentence awarded by the Court. Under Rule 8 (2) (r) the Chief Commissioner is empowered to remit any fine imposed by the Court. Under Rule 8 (2) (s) the Chief Commissioner is empowered to commute any sentence of imprisonment awarded by the Court to any other punishment. Under Rule 8 (2) (t) the Chief Commissioner is empowered to grant a pardon to any person who has been convicted of any offence. Under Rule 8 (2) (u) the Chief Commissioner is empowered to suspend the execution of any sentence awarded by the Court. Under Rule 8 (2) (v) the Chief Commissioner is empowered to remit any fine imposed by the Court. Under Rule 8 (2) (w) the Chief Commissioner is empowered to commute any sentence of imprisonment awarded by the Court to any other punishment. Under Rule 8 (2) (x) the Chief Commissioner is empowered to grant a pardon to any person who has been convicted of any offence. Under Rule 8 (2) (y) the Chief Commissioner is empowered to suspend the execution of any sentence awarded by the Court. Under Rule 8 (2) (z) the Chief Commissioner is empowered to remit any fine imposed by the Court.

26/3/99.

The preliminary portion of the Notification may be altered as proposed by the Sr. Counsel. [I may, however, explain that the reference to prisoners who have completed 10 years in jail, ~~in the~~ was made by way of illustration only, and not by way of description.]

The reason for transferring the Rule regarding forfeiture of remissions from Part-III to Part-I is that the latter is the proper place, as may be clear from the arrangement in the Madras Jail Rules (Cp. S. 395 of these Rules). The word "following" in Rule 8 does not, in my humble opinion, need alteration; Vide S. 415 of the Madras Rules, from which we have borrowed the draft Rules.

Subd. directing 1st Counsel as Secy. may not be able to deal with this letter stating for Madras. The ans. may be put up for the signature of the Secy. to the Govt. of India.

10962

30/3/99

Subj. to V.R. C.r

The Draft, as revised in accordance with the V.R. C.r's instructions, is subj. for approval. It may then be passed thro' the Judicial Branch, with an Order reading the correspondence ending with the last letter from the I. S. of Prisons.

11/4-99.

10973.
Appl. transfer to
Jud. Dept. for necessary.
If under the Rules
of Business this has
still not to be done
by the Judy will do the
necessary —

1/4/99

Transf. to Jud. Dept. for necessary 1/4/99 Rec'd 4/4/99

3-4-99.

Subd. Secretary.
I understand that the Rewd. Stamp Rules recently passed were discussed in Council before Lyne. The same may perhaps have been done in the present case.. 4/4.

I don't think this needs to be before Council for decision. Dept. Legal Pro: & Executive Council

Jud. Dept. 7/4. 7/4/99

J66
W.P. No. 237.

No. 40
J

From.

Bangalore 9th July 1897

The Inspector General of Prisons
and Superintendent of Jails.

To

SECTION Prisons and Jails.
FILE No. 67 of 97-98
SERIAL No. thereon 1

The Secretary to the
Government of Mysore.
Genl & Revl Depts

Sir.

I have the honor to enclose herewith a letter+ from the Superintendent Central Jail Bangalore giving cover to a bill for Rs. 156.7-16-8 being the amount of earnings due to the Life convicts who were released from the Jail on the occasion of the Diamond Jubilee of Her Most Gracious Majesty Queen Victoria and to request that Government will be pleased to accord their sanction to the disbursement of this amount.

+ To be kindly returned No. 1433 of 26th June/97.

2. The Superintendent of the Central Jail states that no funds are available in last years budget for this unforeseen expenditure and requests that special arrangement may be accordingly made.

3. From the bill enclosed it will be seen that each man released has been advanced Rupees 5/- by the Superintendent and the amount opposite his name in the bill is

the

2

the balance of his earnings due to him. Mr. Sparkes makes certain suggestions as to the amount that Sifers should in future be allowed to earn and I agree with the Superintendent that some alterations of the present rules is necessary, and I shall after going carefully through them address Government on this point. In the mean time I trust that the bill enclosed may be kindly sanctioned at an early date.

I have the honor to be,

Sir,

Your Most obedt Servant.

Surgeon & Lt. Col

Inspector General of Prisons

J.Z.

No: 1260-61
135 22-7-97

Rec. 1
Secn. 1

~~Stating that the amount~~

-0-

SEC ... Pdg.
FILE ... 67 of 97-98
SERIAL ... 2

Head.

Letter No. 40 dated 9th July 1897 from the Inspector General of Prisons in Mysore, stating that ~~submitting a bill for Rs 1567-6-8 being~~ the amount of earnings due to the Life convicts who were released from the Central Jail, Bangalore, on the occasion of the Diamond Jubilee of Her Most Gracious Majesty Queen Victoria, ~~asked for sanctioning for soliciting special sanction for the same as~~ no funds available in the last year's Budget to meet the balance of Rs. 1567-6-8; and requesting that special arrangement may be made for the payment of this amount

aggregated Rs. 1761-3-8 that out of this sum of Rs. 193-13-0 was paid to the prisoners at the time of their release and that there are

Order thereon No. of this amount

The bill is sanctioned as a special case and forwarded to the Comptroller for audit

This office was necessitated in consequence of the release of a large number of prisoners in June last, before the time of appointed first. The payment of Rs. 1567-6-8 to the Prisoners is, under the circumstances sanctioned - Provision should be made for this charge in the Budget for 1897-98 and the special case should be taken that the

2

2. The separate communication prisoner's name actually reached his hands.

4 communication promised by the I. General in the letter read above in regard to ~~the earnings of Lifers in factories~~ additions to be made in the present rules, is awaited.

Off 20-7-97

Secretary

To The Inspector Gl of Prisons returning the enclosed letter No. 1433 of 26/6/97 from the Supt Central Jail.

The Comptroller with bill.

5

No 370 Bangalore 2nd December 1897

From GOVERNMENT OF MYSORE

D No 4861 (4)

The Inspector General of Prisons

SECTION P.D.

FILE No. 67/97-98

SER'AL No. 3

in Mysore

To The Secretary to the Government of Mysore.

General and Revenue Departments

Sir,

Adverting to para 2. of the Proceedings of Government No 1260-61/1735 dated 22nd July last. Stating That the further communication promised by the Inspector General re the alteration to be made in the rules regarding earning of gratuity by prisoners, is awaited, I have the honor to state that a life term prisoner is, on admission, brought under the Mark System, on the first day of the calendar month next following that in the course of which he became a prisoner. Hence the remission of a life term prisoner is for the first ten years of his sentence regulated by the provisions of the Mark rules dated 5th June

Rule 5 of Mark Rules -

* put up
Ent 15

1895

b

1895 as to earning of remission, and paras 3 and 4 of the late Chief Commissioner's Notification of 14th September 1879, as to earning of gratuity, and during which time he is undergoing a sentence of either 25 or 20 years according to the class under which he falls. put up

After the expiry of this term, that is 10 years, he is brought under the Ticket-of-leave rules by the terms of which, his sentence is reduced to 18 years, minus the remission he may earn which is restricted to one year. But as regards his earning of gratuity he is entitled to half of his earnings at his trade, or half the pay of the lowest grade of prison, which latter, would be Rupees 3-8-0 per month, the pay of the lowest grade of prison being 7 Rs a month. Ler. (2) Rule 10 Rule 16 Rule 5

It will thus be observed that a lifer who may have been in jail for 15 years, can earn during the 1st ten years of his imprisonment Rupees 5, being the maximum gratuity allowed under paras 3 and 4 of the late Chief Commissioner's Notification of 14th September 1879, plus half of his earnings, or half the pay

pay of the lowest grade of peon during the subse-
-quent years of his incarceration in gail, in all
about Rs 110, whereas a termer who may have been
just as long in gail can only earn Rs 5. It is here-
that matters become complicated.

Mr Sparkes points out that it is very —
unfair to have such distinction between the earnings
of Nifers and termers, and suggests that the rules
under Chapter XXII of the Madras gail Code in the
matter of the grading of convicts and convict Officers
and their remuneration, may be introduced into the
Mysore Province.

The gratuity which can be earned by all classes
of convicts in our gails is excessive as compared with
that allowed under the Madras Code.

As the remission rules in force in Madras
have been brought into force in Mysore, it seems to
me that we might also with advantage adopt the
Madras Rules in the matter of the grading of convicts
and convict Officers and their remuneration.

If

8 If my Suggestion meets with the approval of Government, I request that Sections 410 to 420 and Sections 422 to 427 of the Madras Jail Code may be brought into force in Mysore and be embodied in the Bank rules now in force and that these be the only rules for the earning of remission and gratuities applicable to all classes of labouring prisoners in the Mysore Province.

I have the honor to be,

Sir,

Your Most Obedient Servant,

J Bruce Brooks

Surgeon Lt Colonel

Inspector General of Prisons.

J.B.B.

Read
Letter No. 370 dt 2-12-97
from the I. G. of Prisons
in Mysore.

SECTION PJ
FILE No. 67 97-98
SERIAL No. 4

(5)

Order thereon No: 85-24
dt 25th January 98.

Sent to Press 5-1-98

Proof received 22/1/98

Proof returned in print 24/1/98

Press Copy sent to Press on 26.1.98

The Inspector-General of Prisons points out that the present rate of gratuity that can be earned by able classes of convicts in Mysore Jails are excessive as compared with those allowed under the Madras Code; and that, in particular, under the portion of the existing rules, there exists an unfair distinction between the earnings of life-convicts and term-prisoners, the former of whom are in a position to earn a much greater sum than the latter during the same period. He therefore considers that along with the remission rules in force in Madras which have been already brought into force in Mysore, we might

also with advantage adopt the Madras rules in the matter of the grading of convicts and convict officers and their remuneration.

2. This proposal meets with the approval of Govt., who accordingly direct the introduction into Mysore jails of the provisions of Ss. 410 to 420 and Ss 422 to 427 of the Madras Jail Code, in supersession of all previous rules regarding the earning of remission and gratuities by prisoners of all classes.

3. The Inspector-General is requested to submit the necessary draft Notifn for approval.

14/1/98.

Secretary

To The Sup. of Prisons in Mysore.

Recd. 15 Jan. 1898

11

No. 722/J Bangalore 26th April 1898

From GOVERNMENT OF MYSORE

J 1390

DNo. 9457 (6)

To The Inspector General of Prisons in Mysore

SERIAL Pf 8

FILE No. 67 of 97-98

SERIAL No. 5

The Secretary to the Government of Mysore

General and Revenue Departments

Sir,

Adverting to para 3 of Government Proceedings

SNo. 5 No. 8524/J 981 dated 25th January 1898, I have the honor to forward for the approval of Government and for publication in the Mysore Gazette draft Notification embodying the Remission Rules to be brought into force in supersession of all previous rules regarding the earning and gratuities by prisoners of all classes.

I have the honor to be,

Sir,

Your most Obedient Servant,

Surgeon Lt Colonel

Inspector General of Prisons

Encl to Sl. 5.

(6/a)

# NOTIFICATION.

*In supersession of all previous rules regarding the earning of remission and gratuities by prisoners, the Government of Mysore is pleased to prescribe the following rules, which will apply to all classes of Prisoners, and shall be brought into force in all the Jails in Mysore, with effect from 1st July 1898.*

## I

## Mark Rules.

1. For the purposes of these rules, convicted prisoners shall be divided into three classes, *viz* :—

I.—Thugs, robbers by administration of poisonous drugs and professional hereditary or specially dangerous criminals convicted of heinous organized crime, such as dacoity;

II.—Dacoits and other persons convicted of heinous organized crime who are not professional, hereditary or specially dangerous criminals; ~~such as murderers.~~

III.—All other prisoners.

2. Every convicted prisoner whose sentence or aggregate of sentences, exclusive of any period awarded in default of payment of fine, amounts to one year or upwards, shall be eligible for marks under these rules, provided that if such prisoner is under sentence of simple imprisonment, he shall not receive marks unless he voluntarily labours throughout the term of such imprisonment.

3. For the purposes of these rules a life-sentence shall mean—

20 years' imprisonment.

4. The remission earned under these rules shall have the following effects, *viz* :—

(*a*) In the case of prisoners included in classes I and II, whether under sentence for life or term, the period of remission earned shall be deducted from the sentence, and they shall be released from Jail on the condition specified in the ~~Rules II, in exercise of the powers vested in the Government by section 401 of the Code of Criminal Procedure.~~

Relief of Leave rules contained in part II

(*b*) In the case of all other prisoners, remission earned shall reduce the sentence absolutely.

5. Every prisoner, who is entitled to earn remission under the foregoing rules, shall be brought under the Mark system on the first day of the calendar month next following that in the course of which he became a prisoner; provided that, if a prisoner, admitted under a sentence of less than one year, is subsequently sentenced to a further term which makes up the aggregate to one year, he shall, if otherwise eligible, and unless such subsequent sentence is inflicted on account of riot, escape, or repeated jail offences, commence to earn marks on the first day of the calendar month next following that in which the second sentence was passed.

6. Ordinary marks shall be awarded on the following scale, *viz* :—

(*a*) One mark daily for thoroughly good conduct and scrupulous attention to all jail regulations.

13



(*b*) One mark daily for industry and the due performance of the daily task imposed upon him.

(*c*) One mark daily for any day on which special diligence in work is shown.

7. In addition to any marks earned under the previous rule, convict warders shall receive four marks, convict overseers two marks and convict night watchmen one mark. But convict warders and overseers shall not be eligible for any additional mark under clause (*c*) of Rule 6. It will thus be possible for a night watchman showing special diligence in work, to obtain four marks a day, which is likewise the maximum number obtainable by a convict overseer.

8. On Sundays and holidays, when ordinary jail industries are stopped, marks for conduct only may be earned, but prisoners employed on jail services may be awarded also marks for labour. Convict officers shall be awarded marks as on other days.

9. A prisoner in hospital shall receive marks for conduct only, provided that he did not, by any improper action of his own, after admission to jail, induce or aggravate the disease on account of which he was admitted into hospital.

10. A convict sent to a Court under Regulation V of 1894 shall be credited during his absence with marks in the same way as a convict in hospital, provided that his presence before the Court has not been required in consequence of any offence committed by him and for which he is to be tried.

11. Special marks may be given for special service, such as—

(1) Assisting in detecting or preventing breaches of jail discipline or regulations.

(2) Success in teaching handicrafts.

(3) Special excellence of work.

(4) Protecting jail officers from attack.

(5) Assisting jail officers in case of outbreak, fire etc.

(6) Economy in the wearing of clothing.

12. The Superintendent of a District Jail may award to the same prisoner not more than one hundred special marks for any one service or in any one quarter. The Superintendent of a Central Jail may in like manner award not more than five hundred special marks. When any number of special marks is awarded under this rule, a report thereof shall be made to the Inspector-General, setting forth the grounds of the award. All proposals for the award of more than the number of marks above indicated must be referred to the Inspector-General, who will submit for the orders of Government any case in which he proposes to award more than one thousand marks.

13. Marks and remission may be forfeited for misconduct, and prisoners may be temporarily or permanently removed from the Mark system in accordance with the law for the time being in force regulating jail offences and punishments; provided that no prisoner shall receive marks for the day on which any offence is committed and that the Superintendent may restore to the benefits of the Mark system any prisoner removed therefrom.

[13-A. Heading Rule 3 of Part-III]

14. The award of ordinary marks shall be made either by the Superintendent himself or, subject to his control and supervision, by the Deputy Superintendent, Jailor, Deputy Jailor or any other officer specially empowered in that behalf by the Inspector-General. The award of special marks shall be made only by the Superintendent or Inspector-General.

15. The officer awarding marks shall, before making the award, consult the prisoner's work-sheet and history-ticket, in which every offence proved against the prisoner must be carefully recorded. In the absence of any entry against the prisoner on any day, it shall be presumed that he has earned "ordinary" marks for that day. Ordinary marks shall be recorded in the presence of the prisoner weekly, fortnightly or monthly, as circumstances admit, and special marks shall be awarded as soon as possible after they have been earned. All marks shall be noted in the Mark Register, which shall be written up from the entries in the prisoner's history-ticket.

16. Every convict, coming under the operation of the Mark system, shall be entitled to a remission of one day of his sentence for every 24 marks earned by him. Marks shall be converted into remission and the actual remission earned shall be recorded, quarterly in the Mark Register. The amount of remission earned quarterly by each convict shall be intimated to him by the Superintendent at the first weekly inspection after the close of each quarter.

17. Remission being thus earned in days, shall be recorded in days in the Mark Register and shall not be converted into months or years.

18. In converting marks into quarterly remission, any balance of mark which remains after dividing by 24 shall be carried forward to the next quarter. In converting marks into remission at the end of a prisoner's sentence, if there is a balance of 12 and upwards remaining after dividing by 24, it shall be considered equivalent to one day's remission; any smaller balance shall be disregarded.

19. In the first week of each month, a list shall be made out of those prisoners, who, on the supposition that they will earn their full ordinary marks during the intervening period, will be entitled to release in the course of the month next ensuing. This list shall be submitted to the Superintendent, signed by him, and filed in the office. If the prisoner fails to earn the number of marks assumed in the list, or if from bad conduct he forfeits any of the marks already earned, the date of his release will be proportionately deferred; while if, on the other hand, he earns an additional number of marks, the date of his release will be proportionately advanced. As soon as he has earned such number of marks as entitles him to release, he shall, if otherwise eligible, be released by the Superintendent without further sanction or reference. The amount of remission finally earned shall be endorsed on the prisoner's warrant and the endorsement signed by the Superintendent.

20. When a prisoner is transferred from one Jail to another, a record shall be sent with him showing the amount of remission and the number of marks which stand to his credit. Prisoners transferred from one Jail to another shall be awarded marks for conduct during the period spent in transit, but not for industry, by the receiving Jail.

XXX The following Rules, prescribing the conditions on which prisoners shall be released under the Rules in Part-I are made by Govt. in exercise of the power conferred by S. 401 of the Code of Criminal Procedure :—

# II

## Ticket of Leave Rules.

X X X

1. The Superintendent will give to every prisoner, on his release, a ticket in English and Vernacular, on which shall be entered his descriptive roll, and the conditions on which his sentence is remitted.

2. The descriptive roll and ticket are to be in the form annexed. The ticket is to be signed by the prisoner in the presence of two witnesses, and countersigned by the Superintendent of the Jail.

3. A prisoner released on ticket-of-leave will be aided by the Police in finding employment, so long as he shall conduct himself properly.

4. On his release, the Superintendent of the Jail will give him sufficient money, from that at his credit in the prisoners' property register, to carry him to his home, or place of residence. The balance of the money at his credit will be transmitted to the District Superintendent of Police, when that officer shall apply it either to support the released prisoner or to set him up in his trade.

5. If, at the time of release, the amount of money to the prisoner's credit is too small to enable him to reach his home, and to provide himself with the implements of his trade, the Superintendent of Jail shall be at liberty to give him the implements he has been using whilst in prison.

6. At the time of release, the condition of his ticket are to be carefully explained to him and accepted by him in writing.

7. He is, in the first instance, to report himself to the District Superintendent of Police of his District or, in his absence, to the nearest Magistrate.

8. If the prisoner fails to fulfil any of the conditions set forth in the ticket-of-leave, the Government His Highness may cancel the remission of his punishment, whereupon he may be arrested by any Police officer without warrant and remanded to undergo his original sentence.

9. In every instance in which a prisoner is released on ticket-of-leave, a copy of these rules, as well as a copy of the prisoner's ticket, shall be forwarded by the Superintendent of the Jail from which the prisoner is released to the District Magistrate and to the District Superintendent of Police of the District in which the prisoner is to reside.

---

*Form of Ticket-of-leave.*

Ticket-of-leave No. of 18

*a.* Prisoner's name

*b.* Father's name

*c.* Age years months

*d.* Height feet inches

*e.* Caste or religion

*f.* Profession or calling

*g.* Village Taluk District

*h.* Prisoner's crime

*i.* Sentence

*j.* Amount of punishment undergone years months

*k.* Amount of punishment not undergone years months

*l.* Personal or distinctive marks for identification

Dated

*Superintendent of Jail.*

In exercise of the power conferred by Section 401 of the Code of Criminal Procedure, ~~His Highness~~ the is pleased hereby to remit, subject to the conditions hereinafter set forth, the punishment awarded to son of and a convict in the Jail, at present undergoing a sentence of

*The conditions are these—*

1*st.* That the said will, within days from the date of this, present himself to the District Superintendent of Police, or, if he be absent, to the Magistrate at and produce this ticket-of-leave.

2*nd.* That he will thenceforward report himself once in each month at such time and place as may be prescribed by the District Superintendent of Police in the District in which he resides, either to the District Superintendent of Police himself, or to such other person as the District Superintendent may direct.

3*rd.* That he will not quit the said District of without the written permission of the District Superintendent of Police, or, in his absence, of the District Magistrate.

4*th.* That he will accept and fulfil the conditions (if any) on which such permission is granted as though they were contained herein.

5*th.* That he will not commit any offence punishable by any law in force in mysore.

6*th.* That he will not associate with notoriously bad characters or lead a dissolute life.

7*th.* That should he fail to fulfil these conditions, or any portion of them, His Highness may cancel the remission of his punishment, whereupon he may be arrested by any Police officer without warrant, and remanded to undergo his original sentence.

I. son of the prisoner above named, do hereby accept the above conditions under Section 401 of the Code of Criminal Procedure.

Witness

*Signature or mark Prisoner.*

Place
Dated

The above named was this day released from Jail by order of Government upon the above conditions.

Dated *Superintendent of Jail.*

---

This ticket-of-leave is in force until the day of 18 and no longer.

*Superintendent of Jail.*

---

The above named son of reported his arrival to me on the day of 18

*District Superintendent of Police or District Magistrate.*

---

Date of monthly visit to the Police Station of

# III

## Rules for grading convicts and convict Officers.

1. The following scale of classification and grading of convicts has been laid down for the encouragement of good conduct and industry in jails. It shall apply to female as well as male convicts coming under the Remission system, provided that female convicts shall not be eligible for promotion beyond the grade of Convict Work Overseer. The employment of Habitual convicts as convict officers is prohibited except under the written permission of the Inspector-General, which should be granted only in special cases.

2. Every privilege to which convicts may become eligible under the following rules is permissible only during good conduct and may be forfeited for misbehaviour. Every class of convict and grade of convict officer is liable to reduction to third class convict or to any intermediate class or grade, and any convict or servant so reduced shall not be eligible for re-promotion except in accordance with Rule 4 *et seq.* Superintendents may award reduction of class or grade as a punishment for any offence included in Clauses viii to xii of Rule 13 A

3. Superintendents may award forfeiture of marks in accordance with the following scale, provided that they shall not be competent to impose a forfeiture of more than 96 marks for any one offence:

i. For talking at meals, parades or musters, holding unnecessary communication with Warders, or failing to bathe in accordance with orders ... ... ... ... 12

ii. For failing to wear clothing, class badge, ticket, or other distinctive mark in accordance with orders or for exchanging clothing with another prisoner ... ... ... 12

iii. For leaving work, workshed or yard, changing or attempting to change assigned place at work, at meals, or in sleeping barrack, or loitering about the yards or wards without permission ... ... ... ... ... 24

iv. For committing a nuisance in any part of the jail not assigned for that purpose or for any other breach of sanitary or conservancy rules ... ... ... ... 48

v. For failing to keep clothes, blankets, bedding, eating vessels and person clean and in proper order ... ... 48

vi. For negligence in performance of tasks, if first occasion ... 48

vii. For gambling or playing any game within jail, for shouting, singing, using abusive or indecent language, quarrelling or indecent behaviour ... ... ... ... 72

viii. For concealing food or any prohibited article in the wards or cells, for having in possession, or attempting to receive, any prohibited article ... ... ... ... 96

ix. For stealing provisions or food from the work-house, feeding place, or store rooms, or any article of clothing from any other prisoner, or for wilful destruction or spoiling of clothing, bedding, work or other Government property ... ... 96

x. For negligence in performance of tasks, after first occasion... 96

xi. For communicating, or attempting to communicate, with persons outside the jail or with prisoners of a different class or sex, failing to report any plot or preparation for escape or for any attack upon any jail officer or prisoner ... ... 96

xii. For insolence and disrespect to any jail officer, threatening or assaulting any such officer or convict servant, bringing a false complaint against any jail officer or prisoner ... 96

4. A convict on commencing to earn marks shall be admitted into the third class, in which class he must earn 652 marks before he can be promoted to the second class, that is to say, he must remain in the third class for eight months at least. During the period spent in this class he may be allowed to write and receive a letter and be allowed an interview with his friends once in every eight months. He will be allowed a gratuity at the rate of one quarter-anna per mensem. A third-class convict will wear no badge. Upon his completion of the prescribed number of marks required to be earned in the third class, he shall be eligible for promotion to the second class.

5. A convict in the second class must earn 490 marks before he can be promoted to the first class; that is to say, he must remain six months in the second class. He may be allowed to write and receive a letter once in four months and have an interview with his friends during the same period. He will be allowed a gratuity at the rate of one half-anna per mensem, and as a badge will wear a piece of blue tape, 2 inches long by 1 inch broad, on the left breast of his jacket. When he has earned the prescribed number of marks, he shall be eligible for promotion to the first class.

6. A convict must be at least four months in the first class and have earned 246 marks before he is eligible for promotion. He may be allowed to write and to receive letters and to have an interview with his friends once in every three months so long as he remains in this class. He will be allowed a gratuity at the rate of three-quarter-anna per mensem, and as a badge will wear a piece of red tape, 2 inches long by 1 inch broad, on the left breast of his jacket.

7. Besides the above classification of convicts the following grades of convict officers shall be appointed. Provided that the employment of Habitual convicts as convict officers is prohibited, except under the written permission of the Inspect General, which should be granted only in special cases.

8. From convicts of the first class who are eligible for promotion shall be selected convict maistries who shall not exceed the proportion of one to every twelve convicts. As uniform they shall wear a turband and badge, and shall receive a gratuity at the rate of one anna per mensem. They shall enjoy the same privilege as to letter-writing and interviews as a first-class convict, and shall be exempt from the ankle-ring. At night one or more convict maistries

hall sleep in each ward and by day shall be attached to each gang. Their duties shall be to aid the free Warders—

(i) in the maintenance of order and discipline generally in their respective wards and squads;

(ii) in supervising the labour of their respective squads, seeing that each prisoner does his allotted task, and taking care that all tools are properly used and carefully returned into store;

(iii) in paying particular attention to the cleanliness of the persons and clothes of the prisoners, and seeing that the prisoners bathe at such hours and as often as ordered;

(iv) in bringing to notice any signs of sickness among prisoners;

(v) in escorting individual or gangs of prisoners about the jail when necessary

(vi) in discovering and reporting the possession of any forbidden article by any convict and in preventing all breaches of jail rules.

9. From convicts of the first class who are eligible for promotion, or from the grade of Maistry, shall be selected Convict Work Overseers who shall not exceed the proportion of two to each workshop, unless the Inspector General shall specially sanction the raising of the number to three to each workshop. They shall wear a distinctive dress and badge on the sleeve and shall receive a gratuity at the rate of an anna and a quarter per mensem. They shall be permitted to write and receive a letter and to have an interview with their friends once in two months. They shall be exempt from the ankle-ring. Their duties shall be to aid the Jail establishment—

(i) in superintending the labour of the prisoners in the workshops, in seeing that each prisoner performs his appointed task carefully, that he does not wilfully waste the raw materials, damage the machinery, nor spoil the work entrusted to him;

(ii) in enforcing silence, order and regularity in the workshops;

(iii) in seeing that the various implements for work are placed in safe custody and kept in proper order;

(iv) in making over to the Jailor or other jail officer all work completed during the day in their respective workshops;

(v) in maintaining as high a degree of cleanliness, order and neatness as possible in the workshops;

(vi) in bringing breachs of discipline, short work and misconduct of every kind among the prisoners to the notice of the Jailor.

10. From the grades of Convict Maistry and Convict Work Overseer, shall be selected Convict Warder Guards, subject to the following conditions:—

(1) that they shall have served at least one year in one of the two lower grades of convict officer;

(2) that they shall have completed one-half of their sentences of Imprisonment. In the case of life-convicts this will be taken at 10 years, remission included;

(3) that they have no serious offence recorded against them in the jail Punishment Book

11. The strength of the Convict Warder Guards shall be fixed from time to time by Government in accordance with the requirements of the jail. They shall be divided into three grades.

12. Convict Warder Guards shall receive a gratuity at the following monthly rates :—

1st grade—one rupee.
2nd grade—twelve annas.
3rd grade—eight annas.

Half the monthly gratuity may, at the convict's option, be spent in the purchase of extras other than liquor, tobacco and drugs. The balance shall accumulate and be paid to him on release.

13. Convict Warder Guards shall be allowed rice-diet and shall cook thier own food. They shall be provided with quarters within the jail quite distinct and entirely seperate from those of all other convicts, and no other convicts shall be allowed to enter the Convict Warder Guards' quarters. Convict Warder Guards shall mess, be shaved, and, if possible, bathe in their yard, or if they cannot have a well to themselves, they shall bathe at different times from other convicts. Their washing shall be done by convict dhobies, and they shall be paraded in their own yard. They shall be exempt from corporal punishment and from the ankle-ring, and shall not be required to shave or cut their hair closer than may be necessary on grounds of health and cleanliness. They shall be permitted to write and receive a letter and to have an interview with their friends once a month.

14. Their duties shall be to undertake such portions of the intra-mural guarding by day and night as are committed to them. No Convict Warder Guard shall be allowed outside the maingates. A duty-roster will be kept, and day and night duty shall be as equally divided as possible.

15. Their uniform shall be as follows :—

I. Two white tunics and trowsers, with putties.

II. One warm white cumbly jacket for cold weather and night duty

III. One pair of sandals.

IV. A white turband.

V. A brown leather waist-belt.

Every Convict Warder Guard shall be supplied with a whistle and chain and with a baton. Those in the first class shall wear two blue chevrons on the right sleeve of the tunic, and those in the second class one.

16. The following special scale of punishment for offences committed by convict Warder Guards is prescribed. All fines of marks in excess of 96 must be submitted to the Inspector-General for sanction. Charges against Convict Warder Guards should be investigated with special care, as it is of great importance that there should be no want of stability about the office:—

| | |
|---|---|
| I. Neglect of duty, such as sleeping on patrol or sentry or leaving his post without permission, &c., or disobedience of orders. | Reduction of grade, with or without fine of marks, and with or without forfeiture of money earned, according to the gravity of the case and at the discretion of the Superintendent.<br>Fine not to exceed 240 marks and forfeiture of money shall not exceed more than one month's earnings as Convict Warder Guard. |
| II. Insolence and insubordination *accompanied* by violence. | Reduction to third-class convict, with forfeiture of all remission earned while in prison, and of all money earned as Convict Warder Guard and barred from re-employment in any capacity as a convict officer. |
| III. Insolence or insubordination *unaccompanied* by violence. | Reduction of grade, with or without forfeiture of remission, and with or without fine of money earned, according to the discretion of the Superintendent.<br>The forfeiture of remission awarded shall not exceed one-third earned while in jail and the fine of money shall not exceed six months' allowances as Convict Warder Guard. |
| IV. Possession of contraband articles; or acting or attempting to act as an inter-mediary for the procuring of contraband articles. | Fine of marks not exceeding 240 and of money not exceeding one month's allowances as Convict Warder Guard. |
| V. Minor offences. | Fine of marks not exceeding 96 with or without fine of money not exceeding one month's allowances as Convict Warder Guard. |
| VI. *First* repetition of any offence within six months. | Fine of marks or money or both may be doubled. |
| *Second* repetition of any offence within the above period. | Reversion to third class convict with forfeiture of all remission and money earned in jail. |

1 Promotion to any grade of convict officer is contingent on the Prisoner being physically fit to perform the duties of the office. If a Convict Warder Guard, or other convict officer, becomes permanently incapacitated for his post, he must be reduced.

18. In District Jails where no convict is available for promotion under the mark system, a certain number of well-conducted prisoners who have served two-thirds of their sentence may be employed for the convenience of prison discipline as acting Maistries, but these officers will not be eligible for remission under the Remission rules.

92

No 876 / J

Bangalore 13th June 1898

J 1535

Pol No 1095 (7)

From

The Inspector General of Prisons

SECTION P&J

FILE No. 67 of 97-98

SERIAL No. 6

in Mysore

To

The Secretary to the Government of Mysore

General and Revenue Departments

Sir,

Adverting to correspondence ending with this office No 722 dated 26th April 1898, I have the hono to request that early sanction of Government may be obtained for the introduction of the revised Snark rules, so as to enable the Superintendents of Jails to bring the said rules into force from 1st July 1898.

I have the honor to be,

Sir,

Your most Obedient Servant,

Surgeon Lt Colonel

Inspector General of Prisons

(9)

To

The Jy. of Prisons

No. 164/911 dy 4-7-98.

SECTION P&G
FILE No. 67 of 97-98 Pris
SERIAL No. 7

Adverting to the draft Notifn forwarded with your Letter No. 722 dy the 26 April 1898 I am directed to request the submission of information on the following points :—

(1) In clause II of Rule 10 of the Mark Rules, why the words "such as murder" have been omitted :

(2) on what grounds the existing distinction between prisoners of classes I & II and other prisoners as regards life sentences has been omitted in Rule 3 of the Mark Rules :

(3) Whether the new rules for the grading of convicts and convict officials will affect the C. & M. Station Prisoners also.

I have etc

4/7/98

DN.o 1552 — 2.4
242

No. 181 / J — Bangalore 18th August 1898.
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From

(11)

The ~~Inspector General~~ of Prisons
in Mysore

SECTION P & Q
FILE NO. 1297 98
SERIAL NO. X

To The Secretary to the Government of Mysore
General and Revenue Departments.

Sir,

Adverting to your letter No. 164/J11 dated 4th ultimo, requesting the submission of certain information on points re: the Draft ... Notification forwarded with my letter No. 722/J dated 26th April 1898, I have the honor to state as follows.

(1) In clause II of Rule I of the Snark Rules, the words "Such as murderers" have been inserted at the suggestion of the Superintendent, Bangalore Central Jail. He states that he

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he added this phrase as he does not consider this class of prisoners (murderers) specially dangerous criminals judging from the good behaviour of the Ticket of leave prisoners after release and the majority of this class of prisoners while in Jail, more especially after they have been imprisoned a few years. But in my opinion, this addition is not at all necessary.

(2) With reference to the omission of the existing distinction between prisoners of classes I and II, and other prisoners, as regards life sentence, I beg to state that for the purposes of the mark rules, convicted prisoners are devided into 3 classes. viz I Thugs, robbers by administration of poisonous drugs and professional hereditary or specially dangerous criminals convicted of heinous organized crime such as dacoity, II Dacoits

and

and other persons convicted of heinous organ-
-nized crime who are not professional here-
-ditary or specially dangerous criminals, and
III All other prisoners. In Rule 3 of the said
rules, life sentence is declared equivalent to 25
years imprisonment in the case of prisoners includ
-ed in classes I and II, and to 20 years im-
-prisonment in the case of all other prisoners. This
rule was borrowed verbatim from the Rules
sanctioned by the Government of India for
prisoners in the Civil and Military Station, but
life transportation in Mysore is virtually life
imprisonment and it has all along been treated
as imprisonment for 20 years under the provisions
of Section 57 of the Indian Penal Code. Under
para 16 of the Ticket of leave rules dated 30th July
1892, a life term prisoner who has been admit-
-ted to the benefit of the rules, and has passed
16 years of his sentence in the jail and whose
conduct

This rule is applicable in calculating questions of term of imprisonment

conduct has been good after the expiry of a further period of 2 years, less the period of remission earned (the maximum period of remission that may be earned under the rules, is limited to one year) is entitled to be released i.e. after 17 years of imprisonment or 18 years minus one year, the maximum period of remission he may earn; but under the mark rules, a life term prisoner falling under classes I & II will be generally able to earn remission at the rate of one year per every 6 years. Life sentence in the case of this prisoner being 25 years under rule 3 of the Mark Rules, he will become entitled to release after 21½ years of imprisonment or 25 minus 3 years and 6 months. As 25 years seems too long a period and as shown above, it would entail hardship on prisoners of classes I & II whose time of release would go longer than it would have been under

the

the old Rules, the rule 3 of the Snark Rules in question has been so modified as to limit the term of imprisonment in the case of prisoners of classes I and II also, to 20 years.

(3) As regards the third question as to whether the new rules for the grading of convicts and convict Warders will effect the Civil and Military Station prisoners also I submit that if there is no objection, these rules will be applied to them also, for when a prisoner is transferred from the central jail to another jail in the Madras Presidency, he immediately comes under these rules and it would be obviously unfair to a prisoner with an aggregate sentence of 12 months to derive no benefit from the rules, when another prisoner sentenced to above one year and transferred

to

to another Jail would immediately be admitted to them.

I have the honor to be,

Sir,

Your most Obedient Servant,

Surgeon Lt Colonel

Inspector General of Prisons.

(13) 30

SECTION P & J

FILE NO. 67 of 1898

SER'AL NO. 9

READ -

Letter No. 722-J dated the 26th April 1898 from the Inspector-General of Prisons in Mysore, submitting for approval and publication a Draft Notification embodying revised Mark Rules, Ticket of Leave Rules and Rules for grading Convicts and Convict Officers.

Correspondence ending with Letter No. 181-J d/ the 18th August 1898 from the same Officer, explaining the grounds for omitting in the Draft Mark Rules submitted by him the existing distinction between prisoners of classes I and II and other prisoners in respect of the equivalent of a life-sentence in terms of imprisonment for years.

ORDER THEREON: No. 5248/546 d/ 17-10-98.

From the statement of his reasons for proposing to assimilate the length of a life-sentence in terms of years of imprisonment in the case of all classes of prisoners alike, ~~it would appear that~~ the Inspector-General of Prisons apparently contemplates the supersession of the Rules of 30th July 1892 (published at p. 128 et seq. of the Mysore Jail Manual) on the issue of the Rules now before Government; but it is observed ~~If this is so the Inspector-General is labouring~~ under

Submitted, Sir!

I have drafted the accompanying under instructions from the Hon. C.V.; but I am not sure if I have expressed his views clearly. He believes that para 2 of Prop. No. 5524-J 951 d/ 25-1-98 (at 5) ~~is a mistake~~ has been duly worded.

6/10/98

Called Bro's Garamkhanavala

10017 aff & ors 8-10-98

Sent as desired

Sent as desired 8/10/98

12-10-98

13/10/98

read & retd. 13/10/98

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~~under a misapprehension.~~ that the ~~The~~ Rules of 1892 are intended for a special class of prisoners not coming within the purview of the general provisions of the Mark Rules ~~of the 15th June 1895,~~ promulgated with N Notfn. No. 2502 dt 14 August 1895 ft 196-92, and that the ~~apparently~~ more favourable position enjoyed by such prisoners is not an anomaly, but a concession specially granted to them in view of their not being recommittals and of their having conducted themselves well during the first ten years of their confinement in Jail. Government accordingly consider that the Rules of 1892 should continue to be maintained, and that the fact should be clearly stated in the Rules now proposed to be issued.

2. At the same time, it seems undesirable that the equivalent for a life-sentence should be 20 years for Mysore prisoners, and 25 or 20 years, according to circumstances, for prisoners of the Civil and Military Station. Government would therefore retain Rule 3 of the Mark Rules as it now stands.

3. The Inspector-General is requested to submit a revised draft Notification for approval in the light of the above remarks.

Secretary.

To

The Inspector-General of Prisons

in Mysore.

Prisoners sentenced to transportation for life or for a term of years exceeding 14 years, and who earn remission under the Jail Code, are also subject to the acceptance and fulfilment of certain conditions as to their conduct after release, which renders them liable to be arrested and remanded to Jail to undergo the unexpired sentence. The Mark Rules of 1895 supersede all those of 4 Sept 1879, in so far as they relate to the computation of marks for earning remission, but do not affect the earning of privileges by the prisoners as specified in paras 3 & 4 of the Rules of 1879. The Mark Rules were never intended to supersede the special Rules of 30 July 1892 which are applicable to certain classes of prisoners as explained in the Govt of India Notfn No 77 dt 5 July 1895.

No. 666 J

Bangalore 6th March 1899

From

J 1087

52

G.O. No. 1826.

SECTION — 247

FILE No. 67 of 97-98

SERIAL No. 710

The Inspector-General of Prisons in Mysore.

The Secretary to Government of Mysore — General & Revenue Departments

Sir,

With reference to the Proceedings of Government and order thereon No. 5248/J.546 dated 17th October 1898, I have the honor to submit for approval of Government and publication, the enclosed draft Notification embodying Mark Rules, Ticket of Leave Rules, and Rules for grading Convicts and Convict officers, revised in the light of the remarks contained in the above order.

I have the honorable
Sir,
Your most obedient Servant
Brg. H. S. Brooks
Lieut. Colonel I.M.S.
Inspector Genl. of Prisons

Draft submitted for 3 B/f

GOVERNMENT OF MYSORE

Sub. Draft for approval. 12/4.

(22)

Read again -

Government order No 8524-J981 dated the 25th January 1898 directing the introduction into mysore jails of the provisions of sections 410 to 420 & sections 422 to 427 of the Madras Jail Code in the matter of earning remission & gratuities by prisoners of all classes and requesting the I.G.C. of Prisons to submit the necessary draft notification for the approval of Govt.

Read.

Letter Correspondence ending with letter no 606 dated the 6th March 1899 from

SECTION P & J
FILE NO. 67 of 97-98
SERIAL NO. 12

215

From the I. General of Prisons submitting a revised draft notification embodying mark Rules, Ticket of Leave Rules & Rules for guarding Convicts & Convict officers as requested in the above.

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order thereon. V1737
9 1457.
Dated 17/4/99

The Govt. are pleased to approve of the rules submitted with the above draft notification subject to the necessary modifications and to direct the publication of the following Notification in the Mysore Gazette and the same will be read as the sanction thereof transmitted.

"

(Here enter ~~rules~~. the Notification followed by the Rules.)

13/4/99

2. The Rules will

Sec M.

be published in the three successive issues of the Gazette.

Secy.

To,
The I. General of
Prisons in Mysore.

9ua
10/4

manuscript copy not issued.
Printed copy to be issued as soon as it is ready.
10/4.

Printed copies issued
on 4/5/91
CAR.

(22)

READ AGAIN—

Government Order No. 8524—J. 981, dated the 25th January 1898, directing the introduction into Mysore Jails of the provisions of Sections 410 to 420 and Sections 422 to 427 of the Madras Jail Code in the matter of earning remission and gratuities by prisoners of all classes and requesting the Inspector General of Prisons to submit the necessary draft Notification for the approval of Government.

READ—

Correspondence ending with letter No. 666—J., dated the 6th March 1899, from the Inspector General of Prisons, submitting a revised draft Notification embodying the Mark-Rules, Ticket-of-leave Rules and Rules for grading convicts and convict officers as requested in the above.

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No. 11737—J. 1457, DATED BANGALORE, 17TH APRIL 1899.

ORDER THEREON.—The Government are pleased to approve of the rules submitted with the above draft Notification with necessary modifications and to direct the publication of the following Notification in the *Mysore Gazette*.

NOTIFICATION.

In exercise of the powers conferred by Section 54 of the Prisoners' Act, 1870 and Section 401 of the Code of Criminal Procedure, the Government of Mysore are pleased to prescribe, with effect from the 1st of July 1899, the appended Revised Rules regarding the earning of remission and gratuities, applicable to all classes of prisoners in Mysore. But nothing herein contained shall affect the provisions of the Rules promulgated with Notification No. 1937—J. 73-92, dated the 30th July 1892, which shall apply to prisoners who, on completion of ten years' confinement in jail, may be specially admitted to the benefit of those Rules.

C. SREENIVASIENGAR,
*Secy. to Govt., Gen. & Rev. Depts.*

To—The Inspector General of Prisons in Mysore.

Exd.—H.A.R.

I. Mark Rules.

1. For the purposes of these rules, convicted prisoners shall be divided into three classes, *viz* :—

I.—Thugs, robbers by administration of poisonous drugs and professional hereditary or specially dangerous criminals convicted of heinous organized crime, such as dacoity;

II.—Dacoits and other persons convicted of heinous organized crime who are not professional, hereditary or specially dangerous criminals;

III.—All other prisoners.

2. Every convicted prisoner whose sentence or aggregate of sentences, exclusive of any period awarded in default of payment of fine, amounts to one year or upwards, shall be eligible for marks under these rules, provided that if such prisoner is under sentence of simple imprisonment, he shall not receive marks unless he voluntarily labours throughout the term of such imprisonment.

3. For the purposes of these rules a life-sentence shall mean—

25 years' imprisonment in the case of prisoners included in classes I and II;

20 years' imprisonment in the case of all other prisoners.

4. The remission earned under these rules shall have the following effects, *viz* :—

(*a*) In the case of prisoners included in classes I and II, whether under sentence for life or term, the period of remission earned shall be deducted from the sentence, and they shall be released from jail on the conditions specified in the Ticket-of-Leave Rules contained in Part II.

(*b*) In the case of all other prisoners, remission earned shall reduce the sentence absolutely.

5. Every prisoner, who is entitled to earn remission under the foregoing rules, shall be brought under the Mark system on the first day of the calendar month next following that in the course of which he became a prisoner; provided that, if a prisoner, admitted under a sentence of less than one year, is subsequently sentenced to a further term which makes up the aggregate to one year, he shall, if otherwise eligible, and unless such subsequent sentence is inflicted on account of riot, escape, or repeated jail offences, commence to earn marks on the first day of the calendar month next following that in which the second sentence was passed.

6. Ordinary marks shall be awarded on the following scale, *viz* :—

(*a*) One mark daily for thoroughly good conduct and scrupulous attention to all jail regulations.

(*b*) One mark daily for industry and the due performance of the daily task imposed upon him.

(*c*) One mark daily for any day on which special diligence in work is shown.

7. In addition to any marks earned under the previous rule, convict warders shall receive four marks, convict overseers two marks and convict night watchmen one mark. But convict warders and overseers shall not be eligible for any additional mark under clause (*c*) of Rule 6. It will thus be possible for a night watchman showing special diligence in work, to obtain four marks a day, which is likewise the maximum number obtainable by a convict overseer.

8. On Sundays and holidays, when ordinary jail industries are stopped, marks for conduct only may be earned, but prisoners employed on jail services may be awarded also marks for labour. Convict officers shall be awarded marks as on other days.

9. A prisoner in hospital shall receive marks for conduct only, provided that he did not, by any improper action of his own, after admission to jail, induce or aggravate the disease, on account of which he was admitted into hospital.

10. A convict sent to a Court under Regulation V of 1894 shall be credited during his absence with marks in the same way as a convict in hospital, provided that his presence before the Court has not been required in consequence of any offence committed by him and for which he is to be tried.

11. Special marks may be given for special service, such as—

(1) Assisting in detecting or preventing breaches of jail discipline or regulations.
(2) Success in teaching handicrafts.
(3) Special excellence of work.
(4) Protecting jail officers from attack.
(5) Assisting jail officers in case of outbreak, fire, etc.
(6) Economy in the wearing of clothing.

12. The Superintendent of a District Jail may award to the same prisoner not more than one hundred special marks for any one service or in any one quarter. The Superintendent of a Central Jail may in like manner award not more than five hundred special marks. When any number of special marks is awarded under this rule, a report thereof shall be made to the Inspector-General, setting forth the grounds of the award. All proposals for the award of more

than the number of marks above indicated must be referred to the Inspector-General, who will submit for the orders of Government any case in which he proposes to award more than one thousand marks.

13. Marks and remission may be forfeited for misconduct, and prisoners may be temporarily or permanently removed from the Mark system in accordance with the law for the time being in force regulating jail offences and punishments; provided that no prisoner shall receive marks for the day on which any offence is committed and that the Superintendent may restore to the benefits of the Mark system any prisoner removed therefrom.

14. The award of ordinary marks shall be made either by the Superintendent himself or, subject to his control and supervision, by the Deputy Superintendent, Jailor, Deputy Jailor or any other officer specially empowered in that behalf by the Inspector-General. The award of special marks shall be made only by the Superintendent or Inspector-General.

15. The officer awarding marks shall, before making the award, consult the prisoner's work-sheet and history-ticket, in which every offence proved against the prisoner must be carefully recorded. In the absence of any entry against the prisoner on any day, it shall be presumed that he has earned "ordinary" marks for that day. Ordinary marks shall be recorded in the presence of the prisoner weekly, fortnightly or monthly, as circumstances admit, and special marks shall be awarded as soon as possible after they have been earned. All marks shall be noted in the Mark Register, which shall be written up from the entries in the prisoner's history-ticket.

16. Every convict, coming under the operation of the Mark system, shall be entitled to a remission of one day of his sentence for every 24 marks earned by him. Marks shall be converted into remission and the actual remission earned shall be recorded, quarterly in the Mark Register. The amount of remission earned quarterly by each convict shall be intimated to him by the Superintendent at the first weekly inspection after the close of each quarter.

17. Remission being thus earned in days, shall be recorded in days in the Mark Register and shall not be converted into months or years.

18. In converting marks into quarterly remission, any balance of mark which remains after dividing by 24 shall be carried forward to the next quarter. In converting marks into remission at the end of a prisoner's sentence, if there is a balance of 12 and upwards remaining after dividing by 24, it shall be considered equivalent to one day's remission; any smaller balance shall be disregarded.

19. In the first week of each month, a list shall be made out of those prisoners, who, on the supposition that they will earn their full ordinary marks during the intervening period, will be entitled to release in the course of the month next ensuing. This list shall be submitted to the Superintendent, signed by him, and filed in the office. If the prisoner fails to earn the number of marks assumed, in the list, or if from bad conduct he forfeits any of the marks already earned, the date of his release will be proportionately deferred; while if, on the other hand, he earns an additional number of marks, the date of his release will be proportionately advanced. As soon as he has earned such number of marks as entitles him to release, he shall, if otherwise eligible, be released by the Superintendent without further sanction or reference. The amount of remission finally earned shall be endorsed on the prisoner's warrant and the endorsement signed by the Superintendent.

20. When a prisoner is transferred from one jail to another, a record shall be sent with him showing the amount of remission and the number of marks which stand to his credit. Prisoners transferred from one jail to another shall be awarded marks for conduct during the period spent in transit, but not for industry, by the receiving jail.

## II.—Ticket-of-Leave Rules.

1. The Superintendent will give to every prisoner, on his release under Rule 4 of the Mark Rules in Part I, a ticket in English and Vernacular, on which shall be entered his descriptive roll, and the conditions on which his sentence is remitted.

2. The descriptive roll and ticket are to be in the form annexed. The ticket is to be signed by the prisoner in the presence of two witnesses, and countersigned by the Superintendent of the Jail.

3. A prisoner released on ticket-of-leave will be aided by the Police in finding employment, so long as he shall conduct himself properly.

4. On his release, the Superintendent of the Jail will give him sufficient money from that at his credit in the prisoners' property register, to carry him to his home, or place of residence. The balance of the money at his credit will be transmitted to the District Superintendent of Police, when that officer shall apply it either to support the released prisoner or to set him up in his trade.

5. If, at the time of release, the amount of money to the prisoner's credit is too small to enable him to reach his home, and to provide himself with the implements of his trade, the Superintendent of Jail shall be at liberty to give him the implements he has been using whilst in prison.

6. At the time of release, the conditions of his ticket are to be carefully explained to him and accepted by him in writing.

7. He is, in the first instance to report himself to the District Superintendent of Police of his District or, in his absence, to the nearest Magistrate.

8. If the prisoner fails to fulfil any of the conditions set forth in the ticket-of-leave, the Government may cancel the remission of his punishment, whereupon he may be arrested by any Police officer without warrant and remanded to undergo his original sentence.

9. In every instance in which a prisoner is released on ticket-of-leave, a copy of these rules, as well as a copy of the prisoner's ticket, shall be forwarded by the Superintendent of the Jail from which the prisoner is released to the District Magistrate and to the District Superintendent of Police of the District in which the prisoner is to reside.

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*Form of Ticket-of-leave.*

Ticket-of-leave No. of 18 .

*a.* Prisoner's name
*b.* Father's name
*c.* Age years months
*d.* Height feet inches
*e.* Caste or religion
*f.* Profession or calling.
*g.* Village Taluk District
*h.* Prisoner's crime
*i.* Sentence years months
*j.* Amount of punishment undergone years months
*k.* Amount of punishment not undergone
*l.* Personal or distinctive marks for identification

Dated *Superintendent of Jail.*

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In exercise of the power conferred by Section 401 of the Code of Criminal Procedure, the Government of Mysore are pleased hereby to remit, subject to the conditions hereinafter set forth, the punishment awarded to son of and a convict in the Jail, at present undergoing a sentence of

*The conditions are these—*

1*st.* That the said will, within days from the date of this, present himself to the District Superintendent of Police, or, if he be absent, to the Magistrate at and produce this ticket-of-leave.

2*nd.* That he will thenceforward report himself once in each month at such time and place as may be prescribed by the District Superintendent of Police in the District in which he resides, either to the District Superintendent of Police himself, or to such other person as the District Superintendent may direct.

3*rd.* That he will not quit the said district of without the written permission of the District Superintendent of Police, or, in his absence, of the District Magistrate.

4*th.* That he will accept and fulfil the conditions (if any) on which such permission is granted as though they were contained herein.

5*th.* That he will not commit any offence punishable by any law in force in Mysore.

6*th.* That he will not associate with notoriously bad characters or lead a dissolute life.

7*th.* That should he fail to fulfil these conditions, or any portion of them, His Highness may cancel the remission of his punishment, whereupon he may be arrested by any Police officer without warrant, and remanded to undergo his original sentence.

I, son of the prisoner above named, do hereby accept the above conditions under Section 401 of the Code of Criminal Procedure.

Witness *Signature or mark of Prisoner.*

Place
Dated was this day released from Jail by order of Government upon the above conditions.

Dated *Superintendent of Jail.*

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This ticket-of-leave is in force until the day of 18 and no longer.

*Superintendent of Jail.*

---

The above named son of reported his arrival to me on the day of 18 .

*Superintendent of Police or District Magistrate.*

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Date of monthly visit to the Police station of

*Judicial, dated 17th April 1899.*

III.—Rules for grading convicts and convict Officers.

1. The following scale of classification and grading of convicts has been laid down for the encouragement of good conduct and industry in jails. It shall apply to female as well as male convicts coming under the remission system, provided that female convicts shall not be eligible for promotion beyond the grade of Convict Work-Overseer. The employment of habitual convicts as convict officers is prohibited except under the written permission of the Inspector-General, which should be granted only in special cases.

2. Every privilege to which convicts may become eligible under the following rules is permissible only during good conduct and may be forfeited for misbehaviour. Every class of convict and grade of convict officer is liable to reduction to third class convict or to any intermediate class or grade, and any convict or servant so reduced shall not be eligible for re-promotion except in accordance with Rules 4 *et seq.* Superintendents may award reduction of class or grade as a punishment for any offence included in Clauses viii to xii of Rule 3.

3. Superintendents may award forfeiture of marks in accordance with the following scale, provided that they shall not be competent to impose a forfeiture of more than 96 marks for any one offence:

| | | |
|---|---|---|
| i. | For talking at meals, parades or musters, holding unnecessary communication with Warders, or failing to bathe in accordance with orders ... | 12 |
| ii. | For failing to wear clothing, class badge, ticket, or other distinctive mark in accordance with orders or for exchanging clothing with another prisoner . | 12 |
| iii. | For leaving work, workshed or yard, changing or attempting to change assigned place at work, at meals, or in sleeping barrack, or loitering about the yards or wards without permission ... ... ... | 24 |
| iv. | For committing a nuisance in any part of the jail not assigned for that purpose or for any other breach of sanitary or conservancy rules ... | 48 |
| v. | For failing to keep clothes, blankets, bedding, eating vessels and person clean and in proper order ... ... ... ... ... | 48 |
| vi. | For negligence in performance of tasks, if first occasion ... ... | 48 |
| vii. | For gambling or playing any game within jail, for shouting, singing, using abusive or indecent language, quarrelling, or indecent behaviour ... | 72 |
| viii. | For concealing food or any prohibited article in the wards or cells, for having in possession, or attempting to receive, any prohibited article ... | 96 |
| ix. | For stealing provisions or food from the work-house, feeding place, or store rooms, or any article of clothing from any other prisoner, or for wilful destruction or spoiling of clothing, bedding, work or other Government property ... ... ... ... ... ... | 96 |
| x. | For negligence in performance of tasks, after first occasion ... ... | 96 |
| xi. | For communicating, or attempting to communicate, with persons outside the jail or with prisoners of a different class or sex, failing to report any plot or preparation for escape or for any attack upon any jail officer or prisoner. | 96 |
| xii. | For insolence and disrespect to any jail officer, threatening or assaulting any such officer or convict servant, bringing a false complaint against any jail officer or prisoner ... ... ... ... ... | 96 |

4. A convict on commencing to earn marks shall be admitted into the third class, in which class he must earn 652 marks before he can be promoted to the second class, that is to say, he must remain in the third class for eight months at least. During the period spent in this class he may be allowed to write and receive a letter and be allowed an interview with his friends once in every eight months. He will be allowed a gratuity at the rate of one quarter-anna per mensem. A third class convict will wear no badge. Upon his completion of the prescribed number of marks required to be earned in the third class, he shall be eligible for promotion to the second class.

5. A convict in the second class must earn 490 marks before he can be promoted to the first class; that is to say, he must remain six months in the second class. He may be allowed to write and receive a letter once in four months and have an interview with his friends during the same period. He will be allowed a gratuity at the rate of one half-anna per mensem, and as a badge will wear a piece of blue tape, 2 inches long by 1 inch broad, on the left breast of his jacket. When he has earned the prescribed number of marks, he shall be eligible for promotion to the first class.

6. A convict must be at least four months in the first class and have earned 246 marks before he is eligible for promotion. He may be allowed to write and to receive letters and to have an interview with his friends once in every three months so long as he remains in this class. He will be allowed a gratuity at the rate of three-quarter-anna per mensem, and as a badge will wear a piece of red tape, 2 inches long by one inch broad, on the left breast of his jacket.

7. Besides the above classification of convicts the following grades of convict officers shall be appointed. Provided that the employment of habitual convicts as convict officers is prohibited, except under the written permission of the Inspector-General, which should be granted only in special cases.

# 1898-99

# GOVERNMENT OF MYSORE

## JUDICIAL

PROCEEDINGS

*Dated 17th April 1899*

No. 11737 / J. 1457

Prescribing Revised Rules regarding the earning of remission and gratuities applicable to all classes of prisoners in Mysore.

SBP—28-4-99—250

8. From convicts of the first class who are eligible for promotion shall be selected convict maistries who shall not exceed the proportion of one to every twelve convicts. As uniform they shall wear a turband and badge, and shall receive a gratuity at the rate of one anna per mensem. They shall enjoy the same privilege as to letter-writing and interviews as a first class convict, and shall be exempt from the ankle-ring. At night one or more convict maistries shall sleep in each ward and by day shall be attached to each gang. Their duties shall be to aid the free warders—

(i) in the maintenance of order and discipline generally in their respective wards and squads;

(ii) in supervising the labour of their respective squads, seeing that each prisoner does his allotted task, and taking care that all tools are properly used and carefully returned into store;

(iii) in paying particular attention to the cleanliness of the persons and clothes of the prisoners, and seeing that the prisoners bathe at such hours and as often as ordered;

(iv) in bringing to notice any signs of sickness among prisoners;

(v) in escorting individual or gangs of prisoners about the jail when necessary;

(vi) in discovering and reporting the possession of any forbidden article by any convict and in preventing all breaches of jail rules.

9. From convicts of the first class who are eligible for promotion, or from the grade of maistry, shall be selected Convict Work Overseers who shall not exceed the proportion of two to each workshop, unless the Inspector-General shall specially sanction the raising of the number to three to each workshop. They shall wear a distinctive dress and badge on the sleeve and shall receive a gratuity at the rate of an anna and a quarter per mensem. They shall be permitted to write and receive a letter and to have an interview with their friends once in two months. They shall be exempt from the ankle-ring. Their duties shall be to aid the Jail establishment—

(i) in superintending the labour of the prisoners in the workshops, in seeing that each prisoner performs his appointed task carefully, that he does not wilfully waste the raw materials, damage the machinery, nor spoil the work entrusted to him;

(ii) in enforcing silence, order and regularity in the workshops;

(iii) in seeing that the various implements for work are placed in safe custody and kept in proper order;

(iv) in making over to the Jailer or other jail officer all work completed during the day in their respective workshops;

(v) in maintaining as high a degree of cleanliness, order and neatness as possible in the workshops;

(vi) in bringing breaches of discipline, short work and misconduct of every kind among the prisoners to the notice of the Jailor.

10. From the grades of Convict Maistry and Convict Work Overseer, shall be selected Convict Warder Guards, subject to the following conditions:—

(1) that they shall have served at least one year in one of the two lower grades of convict officer;

(2) that they shall have completed one-half of their sentences of imprisonment. In the case of life-convicts this will be taken at 10 years, remission included;

(3) that they have no serious offence recorded against them in the Jail Punishment Book.

11. The strength of the Convict Warder Guards shall be fixed from time to time by Government in accordance with the requirements of the jail. They shall be divided into three grades.

12. Convict Warder Guards shall receive a gratuity at the following monthly rates:—

1st grade—one rupee.
2nd grade—twelve annas.
3rd grade—eight annas.

Half the monthly gratuity may, at the convict's option, be spent in the purchase of extras other than liquor, tobacco and drugs. The balance shall accumulate and be paid to him on release.

13. Convict Warder Guards shall be allowed rice-diet and shall cook their own food. They shall be provided with quarters within the jail quite distinct and entirely separate from those of all other convicts, and no other convicts shall be allowed to enter the Convict Warder Guards' quarters. Convict Warder Guards shall mess, be shaved, and, if possible, bathe in their yard, or if they cannot have a well to themselves, they shall bathe at different times from other convicts. Their washing shall be done by convict dhobies, and they shall be paraded in their own yard. They shall be exempt from corporal punishment and from the ankle-ring, and shall not be required to shave or cut their hair closer than may be necessary on grounds of health and cleanliness. They shall be permitted to write and receive a letter and to have an interview with their friends once a month.

14. Their duties shall be to undertake such portions of the intra-mural guarding by day and night as are committed to them. No Convict Warder Guard shall be allowed outside the main gates. A duty-roster will be kept, and day and night duty shall be as equally divided as possible.

15. Their uniform shall be as follows:—

I. Two white tunics and trousers, with putties.
II. One warm white cumbly jacket for cold weather and night duty.
III. One pair of sandals.
IV. A white turband.
V. A brown leather waist-belt.

Every Convict Warder Guard shall be supplied with a whistle and chain and with a baton. Those in the first class shall wear two blue chevrons on the right sleeve of the tunic, and those in the second class one.

16. The following special scale of punishment for offences committed by Convict Warder Guards is prescribed. All fines of marks in excess of 96 must be submitted to the Inspector-General for sanction. Charges against Convict Warder Guards should be investigated with special care, as it is of great importance that there should be no want of stability about the office:—

| | |
|---|---|
| I. Neglect of duty, such as sleeping on patrol or sentry or leaving his post without permission, &c., or disobedience of orders. | Reduction of grade, with or without fine of marks, and with or without forfeiture of money earned, according to the gravity of the case and at the discretion of the Superintendent.<br>Fine not to exceed 240 marks and forfeiture of money shall not exceed more than one month's earnings as Convict Warder Guard. |
| II. Insolence and insubordination *accompanied* by violence. | Reduction to third class convict, with forfeiture of all remission earned while in prison, and of all money earned as Convict Warder Guard and barred from re-employment in any capacity as a convict officer. |
| III. Insolence or insubordination *unaccompanied* by violence. | Reduction of grade, with or without forfeiture of remission, and with or without fine of money earned, according to the discretion of the Superintendent.<br>The forfeiture of remission awarded shall not exceed one-third earned while in jail and the fine of money shall not exceed six months' allowances as Convict Warder Guard. |
| IV. Possession of contraband articles; or acting or attempting to act as an inter-mediary for the procuring of contraband articles. | Fine of marks not exceeding 240 and of money not exceeding one month's allowances as Convict Warder Guard. |
| V. Minor offences ... | Fine of marks not exceeding 96 with or without fine of money not exceeding one month's allowances as Convict Warder Guard. |
| VI. *First* repetition of any offence within six months. | Fine of marks or money or both may be doubled. |
| *Second* repetition of any offence within the above period. | Reversion to third class convict with forfeiture of all remission and money earned in jail. |

17. Promotion to any grade of convict officer is contingent on the prisoner being physically fit to perform the duties of the office. If a Convict Warder Guard, or other convict officer, becomes permanently incapacitated for his post, he must be reduced.

18. In District Jails where no convict is available for promotion under the Mark system, a certain number of well-conducted prisoners who have served two-thirds of their sentence may be employed for the convenience of prison discipline as acting maistries, but these officers will not be eligible for remission under the Remission Rules.

(21) 4-23

SECTION P&J

FILE No. 67 of 97-98

SERIAL No. 12

Notification. Jne/

No. 11785 / J 1458 dated 18th April 1899.

In exercise of the powers conferred by section 54 of the Prisoners' Act, 1870, and section 401 of the Code of Criminal Procedure, the Govt of Mysore are pleased to prescribe, with effect from the 1st of July 1899, the following revised Rules, applicable to all classes of prisoners in Mysore. But nothing herein contained shall affect the provisions of the Rules promulgated with Notification No. 1937-J 7392 dated the 30th July 1892, which shall apply to prisoners who, on completion of ten years' confinement in Jail, may be specially admitted to the benefit of those Rules.

[Here enter Rules as issued.

~~Secretary to Govt.~~

Secy to Govt

1 regarding the remission of sentences,

ABL
1/4/99